

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RENIQUE R. GREENLY,

Plaintiffs,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 14-12345
Hon. Terrence G. Berg
Hon. Elizabeth A. Stafford

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION (DKT. 35) AND GRANTING IN PART PETITIONER'S
APPLICATION FOR SECTION 406(b) ATTORNEY FEES SUBJECT TO
PETITIONER REFUNDING TO GREENLY THE EAJA AWARD
PETITIONER ALREADY RECEIVED**

This matter is before the Court on Magistrate Judge Elizabeth A. Stafford's December 29, 2016 report and recommendation (Dkt. 35), recommending that Petitioner's motion for attorney fees (Dkt. 29) be granted in part.

The Court has carefully reviewed the Magistrate Judge's report and recommendation, and finds it well reasoned and supported by the relevant law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). If a party files written objections, the district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* As of this date, no party filed any objections to the report and recommendation, and the time to do so has now expired, meaning the district court is not obligated to

review the record independently. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate Judge's report and recommendation of December 29, 2016, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Stafford's Report and Recommendation of December 29, 2016 (Dkt. 35) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Petitioner's motion (Dkt. 29) is granted in part. The Commissioner must pay Randall E. Phillips (Petitioner's attorney) \$8,467.75 or the full amount withheld from Petitioner's past-due benefits for the payment of attorney fees, and Phillips must refund the full amount of the previously-received EAJA award (\$5,900.00) to Petitioner.

SO ORDERED.

Dated: January 20, 2017

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on January 20, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager